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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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10 VINCENT BRYANT,

11 Plaintiff,

12 vs.

13 UNITED STATES SOCIAL
SECURITY ADMINISTRATION,

14 Defendant.

CASE NO. 13cv2229-WQH-
KSC

ORDER

15 HAYES, Judge:

16 On September 17, 2013, Plaintiff initiated this action by filing a Complaint (ECF
17 No. 1) and a Motion for Leave to Proceed In Forma Pauperis (“Motion to Proceed IFP”)
18 (ECF No. 2). On November 18, 2013, the Court issued an Order granting Plaintiff’s
19 Motion to Proceed IFP, and ordering the Clerk of Court to provide Plaintiff with the
20 summons, certified copies of the Court’s Order and the Complaint, and a blank U.S.
21 Marshal Form 285 (“IFP Package”). (ECF No. 3). The Clerk of Court mailed the IFP
22 Package to Plaintiff at the address provided in the Complaint: 4065 43rd Street, San
23 Diego, California, 92105. (ECF No. 6). On December 10, 2013, the IFP Package was
24 returned as undeliverable. *Id.* No proof of service or responsive pleading has been
25 filed.

26 On May 28, 2014, the Court issued an Order stating:


27 Federal Rule of Civil Procedure 4 requires that a summons and complaint
28 be served “within 120 days after the complaint is filed.” Fed. R. Civ. P.
4(m). If a plaintiff fails to serve the summons and complaint within 120
days, the Court may dismiss the action without prejudice after notice to the
plaintiff. *See id.*

1 This Order constitutes notice to Plaintiff that the Court will dismiss this
2 action without prejudice on **June 23, 2014**, unless, before that date,
3 Plaintiff files either: (1) proof that service of the Summons and Complaint
4 was timely effectuated upon Defendant within 120 days after filing of the
Complaint, or (2) a declaration under penalty of perjury showing good
cause for failure to timely serve Defendant, accompanied by a motion for
leave to serve process outside of the 120-day period.

5 (ECF No. 7 at 1-2). The docket reflects that to date, Plaintiff has not responded to the
6 Order to Show Cause.

7 IT IS HEREBY ORDERED that this action is DISMISSED without prejudice.
8 The Clerk of Court shall close this case.

9 DATED: July 1, 2014

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11 **WILLIAM Q. HAYES**
12 United States District Judge
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